

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAIRI HARRIS : CIVIL ACTION
v. :
ROBERT MARSH, *et al.* : NO. 18-2293
: :
: :

ORDER

AND NOW, this 29th day of January 2019, upon considering the Petition for writ of *habeas corpus* (ECF Doc. No. 1) and Chief Magistrate Judge Caracappa's extensive Report and Recommendation (ECF Doc. No. 13) recommending granting the Petitioner relief by allowing his Petition to be stayed (and not dismissed) while he litigates his Petition under the Post Conviction Relief Act and exhaust his state court proceedings necessary to proceed on this case, and finding good cause in Chief Judge Caracappa's recommendation, it is ORDERED:

1. Chief Judge Caracappa's Report and Recommendation (ECF Doc. No. 13) is APPROVED and we stay the Petition for writ of *habeas corpus* (ECF Doc. No. 1), until receiving notice from the parties of the conclusion of Petitioner's state court proceedings;
2. The Respondents shall file a status memorandum within ten days of the Petitioner exhausting his state court remedies at which time we may set a briefing schedule on the Petition for writ of *habeas corpus* if warranted;
3. We find no probable cause to issue a certificate of appealability;¹ and,
4. The Clerk of Court shall place this matter in the Court's suspense docket until further Order following the exhaustion of the Petitioner's state court proceedings.



KEARNEY, J.

¹ See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).